1949.

File No. L.R.C. Bom. II
49 (M)

Legal Dept

B BRANCH

Subject:— Notifications under the Bombay Land Revenue Code 1879

FILE

File No. L.R.C. Bom. II 149 (M)

Emg. 194

Notification.

Revenue Department,
Bombay Castle, 1949.

Bombay Land Revenue Code, 1879.

No . -In exercise of the powers conferred by sections 18 and 19 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased -

(i) to appoint Mr.S.D. Hubli, Mr. M.V.Budhikot and Mr.B.V.Pendse, Survey Mamlatdars, to be Survey Settlement Officers for the purpose of the resurvey of Khoti villages and Khoti Inam villages in the Ratnagiri district with a view to introducing the Record of Rights in these villages; and

(ii) to appoint the Sepcial Superintendent of Land Records, Ratnagiri, to be the immediate superior of the said Survey Settlement Officers for the purpose of hearing and determining appeals from their decisions and orders.

By order of the Governer of Bombay,

Secretary to Government.

BKS. 18/6/ 4c.

20/6

K.S.R.
20/6.

Legal Department.

Before the draft notification at page 215 is scrutinized the Revenue Department is requested to state whether it is intended that Messrs. G.S. Jogalekar and V.R. Kulkarni who appear to be invested with the powers of Survey Officers (and in whose place Messrs. L.D.Hubli and M,V.Budhikot are to be Survey Officers), should cease to be Survey Officers for the purpose for which they were so appointed. And if so to forward a copy of the notification under which they were appointed to exercise the powers of Survey Officers as the said notification will have then to be cancelled.

Id/-K.J.P.
For Additional Secretary to Government.

U.R. to R.D.,No. 2639 ,dated the 8th March 1949.

BKS. 18/6/ 4c.

Legal Department.

A revised draft notification cancelling the special rates leviable in respect of lands in Revdanda village is sent herewith. From the Government letter to the Commissioner, Southern Division, at page 41 ante it appears that the assessment on the said lands should from the date of cancellation be determined under rule 81. It will therefore be necessary first to follow the procedure in rule 81 and to classify the lands in the said village under that rule. But in order not to leave any hiatus between the date of the cancellation of the notification applying the provisions of rule 82 and the date of the levy of non-agricultural assessment under rule 81 the proposed notification and the notification under rule 81 should issue simultaneously.

Id/-J.RD. 12/3
Additional Secretary to Government.

U.R. to R.D. No. 2909 dated the 14th March 1949.

BKS. 18/6/ 40.

NOTIFICATION.

Revenue Department,
Bombay Castle, March 1949.

No. .- The Government of Bombay is pleased to cancel Government Notification in the Revenue Department No.1831/24, dated the 18th March1932, in so far as it relates to the village of Revdanda.

By order of the Governor of Bombay,

Secretary to Government.

MKS. 18/6/ 4c.

Legal Department.

Since Government is fixing the revised standard rates the existing rates should be cancelled. The revised draft provides accordingly.

Id/-J.R.D. 16/3
Additional Secretary to Government.

U.R. to R.D. No. 2967 ,dated the 16th March 1949.

BKS. 18/6/ 40.

Legal Department.

The question raised for the opinion of the R.L.A. are:-

(i) Whether it is necessary to issue a notification under rule 82 VI, of the Bombay Land Revenue Rules in supersession of G.N., R.D., No. 2241, dated the 31st August 1921 fixing 5/8ths of the non-agricultural assessment as ordered in G.R. at p. 113;

(ii) whether it is necessary to amend rules 81 and 82 so as to provide that the concession of paying 5/8ths of the full non-agricultural assessment on non-agricultural plot is applicable to the rest of the Province of Bombay where it was not so available.

2. The view taken by Revenue Department in paragraph 3 of office note is not correct.

Sub-rule VI of rule 82 of the Bombay Land Revenue Rules provides that the rates of non-agricultural assessment leviable on lands in the Bombay Suburban District, shall, however, be reduced to such extent as the Provincial Government may specify by a notification in the Official Gazette. Under this rule Government has to notify the extent of the reduced assessment. By G. N. R. D., No. 2241, dated the 31st August 1921, such extent has been specified at 3/8ths of the amount otherwise leviable. Now the proposal is to specify the extent of reduced assessment at 5/8ths. It is therefore, necessary to issue a fresh notification in supersession of G. N., R .D., No. 2241, dated the 31st August 1921. A revised draft notification at page 133 ante as amended is in order. Such an order cannot however be made with retrospective effect even though the Government Resolution, containing these orders was to take effect from the 1st August 1947. The intention of Government that the above concession shall be available only for non-commercial and non-industrial uses of lands would have to be implemented by making suitable rules under Chapter XIV of the B.L.R. Rules. The R.L.A.'s opinion

No. 594, dated the 17th January 1948 referred to by Revenue Department is not relevant. It applies to the question of leaving open space and that can be done by executive orders as advised therein.

As regards the proposal to extend the concessionof paying 5/6ths of the full non-agricultural assessment on non-agricultural plot throughout the rest of the Province, rule 82 applies only to those areas in which there is a keen demand for building sites and to which Government may for special reasons extend that rule. If the intention of the Government is that the benefit of that rule should be extended ordinarily to the whole of the Province, an amendment of rule 85 and other rules in the Chapter will be necessary.

Id/- J.R.D. 25/3
Additional Secretary to Government.

U.R. to R.D., No. 3292 ,dated the 26th March 1949.

BKS. 18/6/ 4o

Notification.

Revenue Department.
Bombay Castle, 1948.

No. 1969/45. Under the provisions of Rule 82(VI) of the Land Revenue Rules, 1921, and in supersession of the orders contained in Government Notification in the Revenue Department. No.2241, dated 31st August 1921, the Government of Bombay is pleased to direct that in the case of developed and approved building sites in the Bombay Suburban District, the non-agricultural assessment shall be levied over the whole area at five - eighths of the amount otherwise leviable, provided that the sanad includes a condition that not more than one-third of the whole area of the plot shall be built over and that this condition is complied with.

Plots on which non-agricultural assessment is levied at three-eights of the non-agricultural assessment at present, shall continue to pay at this rate under the existing guarantee.

By order of the Governor of Bombay

V.N. Sardesai,
Secretary to Government.

To be published in Part I of the Bombay Government Gazette and to be returned with 60 copies.

For Secretary to the Government of Bombay, Revenue Department.

BRB. 18/6/ 4c.

Legal Department.

The draft notification at page 9 ante, as amended, is in order. It is not legally feasible to give retrospective effect to the notification.

Id/-J.R.D. 19/4
Additional Secretary to Government.

U R. to R.D., No. 4293 ,dated the 20th April 1949.

BKS. 18/6/ 4o.

Legal Department.

The proposal is to revise and fix at Rs. 6/- per 100 square yards the rate of non-agricultural assessment in respect of -

(i) the land in Gaothan Zone of the Yawal town;

(ii) the land in Survey No. 1014 which lies outside the Gaothan Zone.

2. The application of rule 82 to the area referred to in (ii) above has been cancelled by Government Notification, Revenue Department, No. 10068/24, dated the 8th March 1937. The proposed standard rate cannot be sanctioned under rule 82 unless that rule is first applied to the Survey No. in question. A revised draft notification applying the said rule and sanctioning the standard rate is sent herewith.

3. A revised draft in place of the draft at page 29 ante is sent herewtih. Since the Government proposes to revised the standard rates, fixed under Government Notification, Revenue Department, No. 10068/24 dated 8.3.1937 it is necessary to cancel this notification.

Id/-J.R.D. 20/5
Additional Secretary to Government.

U.R. to R.D., No. 5644, dated the 20th May 1949.

R.3. 18/6/ 4c.

Legal Department.

A revised draft notification is sent herewith.

2. The terms "all Gujarat districts", "all Marathi districts" or "all Kannada districts" have no legal significance. The names of districts should be specifically mentioned.

Id/-J.R.D. 12/8
Additional Secretary to Government.

U.R. to R.D., No. 9139 ,dated the 12th August 1949.

BKS. 18/6/ 40.

REVENUE DEPARTMENT.

BOMBAY CASTLE, AUGUST *(9(. 1949.

The Bombay Land Revenue Code, 1879.

No. .-In exercise of the powers conferred by sections 18 and 19 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and in supersession of all previous notifications in this behalf, the Government of Bombay is pleased. -

(i) to confer upon the officers specified in Column I of the Schedule hereto appended all the powers of a Survey Settlement Officer for the purpose of survey of Inam Villages in the districts respectively specified against them in Column 2 of the said Schedule; and

(ii) to appoint the Superintendent of Land Records, Northern Circle, the Superintendent of Land Records, Central Circle, the Superintendent of Land Records, Southern Circle and the Superintendent of Land Records, Ratnagiri, to be the immediate superiors of the said Survey Settlement Officers in their respective jurisdictions for the purpose of hearing and determining appeals from the decisions and orders of the said Officers.

Schedule.

Designation of the Officer.	District
1	2

By order of the Governor of Bombay,

Secretary to Government.

BKS. 18/6/ 4c.

Legal Department.

The Revenue Department draft notification is not in order. After the application of the Bombay Tenancy and Agricultural Lands Act, 1948 to the whole of the Province s including Khoti villages, it is wrong to describe any tenancies as Upri tenancies which means yearly or shifting tenancies.

2. A revised draft notification which carries out Revenue Department's intention is sent herewith.

Id/-J.R.D. 4/8
Additional Secretary to Government.

U.R. to R.D. No. 8842 ,dated the 5th August 1949.

BKS. 18/6/ 4c.

NOTIFICATION.

Revenue Department,

Bombay Castle, August 1949.

Bombay Land Revenue Code, 1879.

No. .- Whereas section 135B of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) applies to perpetual tenancies in the Khoti and Khoti Inam Villages in the Ratnagiri District;

And Whereas sub-section (2) of the said section 135B empowers the Provincial Government to direct that the provisions of that section shall apply to tenancies of any other classes in any local area or generally;

Now, therefore, in exercise of the powers conferred by the said sub-section (2) of section 135B of the said Code; the Government of Bombay is pleased to direct that the provisions of the said section 135B shall apply to tenancies of all other classes in all the Khoti and Khoti Inam Villages in the Ratnagiri District.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 18/6 / 4c.

Legal Department.

The rules fixing non-agricultural assessment are contained in Chapter XIV of the Bombay Land Revenue Rules. Rule 81 lays down the method of fixing non-agricultural assessment on lands in villages, towns and cities to which rule 82 is not applied. Rule 82 lays down the method of fixing non-agricultural assessment in respect of those areas only in respect of which the Provincial Government has made a declaration in the Official Gazette that there is demand in such areas for building site or for any other special purpose. Rule 85 provides that non-agricultural assessment shall ordinarily be levied upon the whole of the land within the compound of a building and not merely upon the land covered with building. It willbe observed that rule 82 makes a distinction between the rate in respect of a site for the purposes of a building and a site for any other purpose. The standard rate specified therein is to be adhered to except in cases specified in sub-rule IV of that rule. And sub-rule VI provides specifically that the rates of non-agricultural assessment leviable on lands in the Bombay Suburban District to which this rule applies, shall however be reduced to such extent as the Provincial Government may specify by a notification in the Official Gazette. In virtue of this power in sub-rule VI, Government has issued a Government Notification, Revenue Department No. 2241, dated the 31st August 1921 and specified 3/8th of the amount leviable under the rule as a reduced assessment on lands in Bombay Suburban District. That rule however does not give power to Government to specify any reduced assessment in respect of lands in other districts; nor does that sub-rule restrict the

concession to non-commercial and non-industrial use of lands. In fact from para. 3(1) of Revenue Department note dated the 26th October 1937 in Revenue Department file No. 7530/33, it appears that the concession of 5/8th of the standard rate could be extended to non-residential plot in Bombay Suburban District as sub-rule VI of 82 covers such lands also. The assessment fixed at a reduced rate is still the levy m at the said rate. Such levy cannot be made without any rule to that effect. Since the executive orders as contained in Government Resolution No. 1969/45, dated the 14th July 1947 are repugnant to the previsions of rules as stated above it is necessary to amend the rules in Chapter XIV as advised in Additional Secretary, L gal Department opinion No. 2 3292, dated the 26th March 1949. All these matters cannot be provided for by mere Administrative orders by deleting sub-rule VI as held by the Secretary, Revenue Department. The orders contained in the Government Resolution will have to be reissued after the Chapter XIV has been amended ,-

(i) so as to empower Government to fix a reduced concessional rate in the case of lands in the Province of Bombay in which there is keen demand for building site ;

(ii) with a view to curtail the present power of Government to extend the concessional rates in Bombay Suburban District to commercial and industiral use of land.

Id/-J.R.D. 20/8
Additional Secretary to Government.

U.R. to R.D. No . 9375 ,d ted the 20th August 1949.

BKS. 18/6/ 4c.

Legal Department.

A revised draft Notification is sent herewith subject to the following observations :-

2. The expression "Prant Officer" has not been defined in the Land Revenue Code. An Assistant Collector or Deputy Collector appointed under section 9 of the Bombay Land Revenue Code is generally known as a Prant Officer. It is proposed to appoint Consolidation Officers to be Prant Officers for the purpose of exercising the powers under section 135D (6) of the Code. It is therefore necessary to appoint them as Assistant Collectors (or Deputy Collectors, as the case may be) under section 9 of the Code. But that section requires that the Assistants shall be called "First", "Second", "Supernumerary", etc., as may be expressed in the order of their appointment. It is therefore necessary to call them as Supernumerary Assistant Collectors. If the Consolidation Officers are appointed as Assistant or Deputy Collectors they will be entitled to exercise all the powers ixxim specified in section 10 of the Code. As however it is proposed to restrict their powers to section 135D(6) of the Code, it would be necessary for the Collector of the District concerned to issue direction under the proviso to section 10 of the Code directing them to perform only the powers specified in section 135D(6) of the Code.

3. As the Consolidation Officers are being appointed as Assistant or Deputy Collectors under section 9, the appointment will have to be notified by Revenue Department as required by section 20 of the Code.

Id/-J.R.D. 13/9
Additional Secretary to Government.

U.R. to R.D., No. 10435 ,dated the 15th September 1949.

BKS. 18/6/ 4c.

(Revenue)

Bombay Castle, 1949.

No. .- In exefcise of the powers conferred by section 9 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to appoint the x following consolidation Officers to be Supernumerary Assistant Collectors (or Deputy Collectors) in the districts specified against them.

relevant entry may be kept.

1.	Consolidation x Officer.	Ahmedabad, Kaira, Broach and Panch Mahals Districts
7.	-do-	Ratnagiri District.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 20/6/ 4c.

Legal Department.

A revised draft notification is sent herewith.

2. Section 9 of the Bombay Land Revenue Code provides that the Assistants shall be called "(First", "Second", "upernumerary", etc.) as may be expressed in the order of their appointments. Itis therefore necessary to appoint each of the said officers as "Second Assistant Collector" in those districts in which there is "First Assistant Collector" and as "Supernumerary Assistat Collector" in those districts in which there is a "Second Assistant Collector" (vide u.r. to R.D., No.10435, dated the 15th September 1949). All the said three officers when appointed as Assistant Collectors under section 9 of the Code will be entitled to exercise all the powers specified in section 10 of the Code. As, however, it is proposed to restrict their powers to recovering arrears of rent from tenants of the Military Hutments as well as buildings constructed under the Government Housing Programme, it would be necessary for the Collector of the district concerned to issue directions under the proviso to section 10 of the Code directing them to perform only the powers referred to above

3. The appointment will have to be notified as required by section 20 of the Code.

Id/-J.R.D. 29/9
Additional Secretary to Government.

U.R to R.D.No. 11026 dated the 30th September 1949.

BKS. 10/6/ 4 c.

NOTIFICATION.

Revenue Department,

Bombay Castle, September 1949.

Bombay Land Revenue Code, 1879.

No. .- In exercise of the powers conferred by section 9 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to appoint the officers, specified in column 1 of the Schedule hereto appended, to be Second Assistant or supernumerary Assistant Collectors, as the case may be, of the district specified against them in column 2 of the said Schedule.

SCHEDULE.

	1	2
Here insert the appropriate designation i.e. 'Second' or 'Supernumerary'.	Estate Manager under the Bombay Housing Board, Bombay.	**Assistant Collector of the Bombay Suburban District and Thana District.
	Executive Engineer Housing Division, Ahmedabad.	** Assistant Collector of the Ahmedabad District.
	Executive Engineer, Housing Division, Sholapur.	** Assistant Collector of the Sholapur District.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 18/6/ 4c-

Legal Department.

The view taken by the Dy. Secy., R.D. is correct.

2. The draft notification at page 25 post as slightly amended is in order.

Id/-J.R.D. 24/10
Additional Secretary to Government.

U.R. to R.D., No. 11832 ,dated the 24th October 1949.

BKS. 18/6/ 40.

REVENUE DEPARTMENT,

Bombay Castle, October 1949.

Land Revenue Code, 1879.

No. 927/49(a)- In exercise of the powers conferred by section 13 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879) , the Government of Bombay is pleased to appoint the following Assistant Consolidation officers to be Mahalkari of each of the talukas of the districts specified against them.

1. Assistant Consolidation Officer, Ahmedabad. Ahmedanad.

etc., etc.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 18/6/ 4c.

Legal Department.

A revised draft notification is sent herewith.

2. The proposal of R.D. to issue a notification under rule 82 is not in order. As held by the High Court in Civil Appeal No.68 of 1942 and 190 of 1942 it was the duty of the Collector to assess the land to non-agricultural assessment as requested by the plaintiff in accordance with rules 81 to 87. It is rule 92 which authorises the Collector to alter the non-agricultural assessment and the proviso makes it clear that the Collector alone has got the powers of estimating the full market value and of fixing standard rate of assessment of land.

3. Eventhough the Collector has to fix standard rate in accordance with the rules 81 to 87, the non-agricultural assessment rates are being fixed for the first time and it is not x necessary to give a notice of one year which is only contemplated for the revised rate. The - notification under rule 92 can therefore be issued straightway so as to take effect on the 1st August 1950. Since the standard rate in the neighbourhood are due for revision shortly, a period shorter than 10 years which is permissible under rule 82 may be prescribed in this case. Even if no revised standard rate is fixed by then the old rate as now fixed will continue.

Id/-J.R.D. 15/11
Additional Secretary to Government.

U.R. to R.D. No. 12979 dated the 15th November 1949.

BKS. 18/6/ 4c.

NOTIFICATION.

No. In exercise of the powers conferred by rule 92 of the Land Revenue Rules (1921), the Collector of Thana is pleased to direct that the standard rate of non-agricultural assessment to be levied in respect of the lands situate in the Dahisar village in the Thana District and used for any purpose unconnected with agriculture shall be Rs. 5/- per 100 square ~~xx~~ yards with effect from the 1st August 1950.

The above rate shall remain in force upto the 195.

Collector of Thana .

Dated 19

BKS. 18/6/ 4c.

Lehal Department.

The Revenue Department has not followed the implication of the provisions of rule 82 III of the Bombay Land Revenue Rules. The rule in question does not impose upon the Provincial Government the duty to publish first a notification under that rule and call for suggestions and objections thereon. It merely provides that the revised standard rate shall not come into force earlier than one year from the date of the notification. In view of this provision the Revenue Department should not have published the preliminary notification in 1943. The Revenue Department now wants to publish the final notification with immediate effect. Since the notice of one year as required by the ~~xt~~ said rule has already been given in the form of a preliminary notification, there is no objection to issue the final notification. There is also ~~x~~ no objection to keep the revised rate in force for a shorter interval than ten years as under the said rule such shorter period is permissible.

The draft notification at pages 83-85 ante as amended is in order.

Sd/-J.R.Dhurandha
4/11
Additional Secretary to Government

U.R. to R.D., No. 12408, dated the 4th November, 1949.

BKS. 10/6/ 4o.

Legal Department.

Two revised draft notifications are sent herewith.

2. It is not necessary, as proposed by the R.D., to issue a preliminary notification under rule 82(III) of the Land Revenue Rules calling for objections or suggestions. That rule merely provides that the notice of the revised rates shall be given one year before they come into force. R. D. should issue the revised notification after inserting in the blank space such date, which should not be earlier than one year from the date of the notification, as it deems proper. The revised rates would automatically come into force after such specified date.

3. It is proposed in the Collector's letter at pp. 1-4- ante that S.Nos. 339 to 342, 346A, 347 and 728 which at present are governed by rule 81 should be excluded therefrom and should be included in Zone II to which rule 82 has been applied, It is, therefore, necessary to include the said survey Nos. in the notification No.1 under Zone II before a standard rate of R. 6-3-0 per 100 sq. yards is applied to them. The inclusion of the said survey nos. in notification II alone is not sufficient. It must be made clear in a notification that rule 82 does apply to such S. Nos. This is made clear in the revised draft now forwarded.

Id/-J.R.D. 8/4
Additional Secretary to Government.

U.R. to R.D.No. 12634 dated 9th Novr. 1949.

BKS. 19/6/ 4c.

NOTIFICATION.

Revenue Department,
Bombay Castle, November 1949.

Land Revenue Rules.

No. In pursuance of rule 82 of the Land Revenue Rules, (1921), the Government of Bombay is pleased to direct that the said rule shall be applied to the following lands of the town of Karad in the Karad Taluka of the Satara North District, namely :-

Zone No.	Area
I	Comprising the gaonthan of Karad and S. Nos. 807-A, 807-B, 817, 820, 821 and 822.
II	S. Nos. 339 to 342, 346-C, 347 and 728.
III	S. Nos. 1 to 7, 80 to 85 and 86 to 88,

2. The Government of Bombay is pleased further to direct ~~it~~ under the provisions of the said rules, that a standard rate of non-agricultural assessment of Rs. 4-10-0 per 100 square yards in respect of lands in Zone I specified above, and of Rs. 1-9-0 per 100 square yards in respect of lands in Zone III, specified above, shall be levied.

3. The coloured map showing what particular area falls in Zones I and III will be available for inspection in the Mamlatdar's office, Karad, at any time during office hours.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 19/6/ 40.

II

NOTIFICATION.

Revenue Department,
Bombay Castle, November 1949.

Land Revenue Rules.

No. :- In exercise of the powers conferred by rule 82 of the Land Revenue Rules (1921), and in supersession of paragraph 2 of Government Notification in the Revenue Department No.8329/28, dated the 15th March 1932, the Government of Bombay is pleased to sanction the following standard rates of non-agricultural assessment in respect of the lands in the areas mentioned in the Schedule hereto appended in the town of Karad in Karad Taluka of Satara North District.

SCHEDULE.

Zone.	Area.	Standard rate per 100 square yards.
		R. as. p.
II	Survey Nos. 816, etc., etc.	6- 3 - 0

Notice is hereby given that the said rate shall come into force with effect from and on the *

To be filled up by the Department.

and shall remain in force for ten years. The map showing what particular area falls within the same limits will be available for inspection at the office of the Mamlatdar, Karad at any time during office hours.

By order of the Governor of Bombay,

Secretary to Government.

BEG. 1 /6/ 4c.

Legal Department.

The draft notification at page 5 ante is in order.

Id/-J.R.D. 18/11
Additional Secretary to Government.

U.R. to R.D., No. 13234 ,dated the 21st November 1949.

BKS. 19/6/ 4 c.

REVENUE DEPARTMENT.

Bombay Castle, 1949.

No.3065/49.- In exercise of the powers conferred by sections 18 and 19 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), the Government of Bombay is pleased to appoint the officers specified in the first column of the Schedule appended to this notification to be the immediate superiors of the enquiry officers in charge of the city surveys specified against them in the second column of the said Schedule, for the purpose of hearing and determining appeals from any decision or order of the said enquiry officers under sub-section (2) of section 37 and section 119 of the Bombay Land Revenue Code, 1879 (Bom. V of 1879), and sub-section (1) of section 50A of the Bombay District Municipal Act, 1901 (Bom. III of 1901).

SCHEDULE.

II

By order of the Governor of Bombay,

V.N.GARDESAI,
Secretary to Government.

To be published in part IV-B of the Bombay Government Gazette, to be returned with 10 copies of the notification.

Senior Assistant Secretary to the Government of Bombay, Revenue Department.

Id/-
19-10-49.

BKB. 19/6/ 4c.

Legal Department.

The Revenue Department appears to have in view the R.L.A.'s opinion No.2050 dated the 1st March 1947. That opinion does not appear to be correct. Abolition of a village or amalgamation of two villages into one affects the constitution of a taluka and therefore a notification under section 7 is necessary. (Vide R.L.A's opinion No.1822, dated the 28th March 1934).

Id/-J.R.D. 22/11
Additional Secretary to Government.

U.R. to R.D.No. 13362 ,dated the 23rd November 1949.

BKS. 19/6/ 4c.

Legal Department.

The Revenue Department appears to have in view the R.L.A's opinion No. 2050, dated the 1st March 1947. That opinion does not appear to be correct. Abolition of a village or amalgamation of two villages into one affects the constitution of a taluka and therefore a notification under section 7 is necessary. In fact a notification under section 7 was issued when Amod Kasba village was separated into two villages. (vide U.N. to Revenue Department No. 6049 dated the 6th December 1933) and it is necessary to supersede that notification.

2. But in view of the fact that the Bombay High Court has decreed in C. A. No. 99 of 1935 the claims of the Thakors of Amod, it would also be necessary to add a para. in the proposed notification on the lines of the draft para 8 in Government Notification, Revenue Department No. 9394/28, dated the 13th March 1934.

Id/-J.R.D. 22/11
Additional Secretary to Government.

U.N. to R.D. No. 13360, dated the 23rd November 1949.

BR. 19/6/ 4c.